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Attorneys for Plaintiff and Counter Defendant
VESTA STRATEGIES, LLC; Third Party
Defendant SINGLE SITE SOLUTIONS
CORPORATION; Third Party Defendant
JOHN TERZAKIS; Third Party Defendant
B&B SPARCO PROPERTIES, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

VESTA STRATEGIES, LLC,

Plaintiff,

v.

ROBERT E. ESTUPINIAN, GINNY
ESTUPINIAN, MUTUAL VISION, LLC,
MILLENNIUM REALTY GROUP,
VESTA REVERSE 100, LLC, VESTA
CAPITAL ADVISORS, LLC, and
CAROL-ANN TOGNAZZINI,

Defendants.

AND RELATED COUNTER CLAIMS
AND THIRD PARTY CLAIMS

CASE NO. C 07-06216 JW RS

**[PROPOSED] ORDER GRANTING (A)
PLAINTIFF/COUNTER DEFENDANT
VESTA STRATEGIES, LLC'S MOTION
TO DISMISS; (B) THIRD-PARTY
DEFENDANTS JOHN TERZAKIS',
SINGLE SITE SOLUTIONS
CORPORATION'S, AND B&B SPARCO
PROPERTIES, INC.'S MOTION TO
DISMISS OR STRIKE; (C) VESTA
STRATEGIES' AND JOHN TERZAKIS'
SPECIAL MOTION TO STRIKE
PURSUANT TO THE CALIFORNIA ANTI-
SLAPP STATUTE AND FOR
ATTORNEYS' FEES AND COSTS**

**Date: September 8, 2008
Time: 9:00 a.m.
Department: Room 8, 4th Floor, SJ
Judge: James Ware**

Before the Court are: (1) Plaintiff/Counter Defendant Vesta Strategies LLC's ("Vesta Strategies") and Third-Party Defendant John Terzakis' ("Terzakis") Special Motion to Strike Defendants/Counter-Claimants/Third-Party Claimants Robert and Ginny Estupinians' Intentional Infliction of Emotional Distress Claim Pursuant to the California Anti-SLAPP Statute and for Attorneys' Fees and Costs ("Vesta Strategies' and Terzakis' Special Motion to Strike"); (2) Vesta Strategies' Motion to Dismiss ("Vesta Strategies' Motion to Dismiss") the claims in the First Amended Counterclaim and First Amended Third-Party Complaint ("Amended Counterclaim"); and (3) Third-Party Defendants Terzakis', Single Site Solutions Corporation's, and B&B Sparco Properties, Inc.'s Motion to Dismiss or Strike ("Third Party Defendants' Motion to Dismiss or Strike"). (*See* Docket Item No. 76). Based on the papers submitted to date and for good cause appearing, the Court ORDERS that:

1. Vesta Strategies' and Terzakis' Special Motion to Strike is GRANTED pursuant to Federal Rule of Civil Procedure 12(b)(6) and/or Federal Rule of Civil Procedure 12(f) and the California Anti-SLAPP Statute, CAL. CIV. P. CODE § 425.16, *et seq.*
2. Vesta Strategies' Motion to Dismiss is GRANTED pursuant to Federal Rule of Civil Procedure 12(b)(6).
3. Third-Party Defendants' Motion to Dismiss or Strike is GRANTED pursuant to Federal Rule of Civil Procedure 12(b)(6) and/or Federal Rules of Civil Procedure 12(f) and 14(a)(4).
4. Robert and Ginny Estupinian shall pay Vesta Strategies and Terzakis their attorneys' fees and costs in connection with Vesta Strategies' and Terzakis' Special Motion to Strike.

Dated: _____, 2008

JAMES WARE
United States District Judge